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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,216	01/02/2004	Keneth K. Cyr	CRN1.111421	6648

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EXAMINER

SEREBOFF, NEAL

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/750,216

Applicant(s)

CYR ET AL.

Examiner

Neal R. Sereboff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/22/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 27 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 – 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 11 is directed toward a consumption report. A §101 inquiry is directed to the determination of whether the claimed subject matter as a whole is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been reduced to some practical application rendering it "useful." A claimed process that produces a useful, concrete, tangible result without re-empting other uses of the mathematical principle falls within the scope of §101. The claim 11 result of "generating consumption reports" is not tangible but represents a disembodied "abstract idea." Claims 12 through 20 are thus drawn to the abstract idea of generating consumption supply reports, rather than to a practical application of the idea as required by 35 U.S.C. §101.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 – 4, 6 – 14, 16 – 22** are rejected under 35 U.S.C. 102(b) as being anticipated by DeBusk, U.S. Patent Number 5,682,728 (see reference A on the attached PTO-892).

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5. As per claim 1, DeBusk teaches a system for managing patient supply data, comprising:

- An input interface to receive patient supply data captured from at least one clinically related site (see column 5, lines 6 – 21);
- A data store, the data store storing the patient supply data (see column 4, lines 50 – 65);
- and
- A report engine, the report engine communicating with the data store to generate consumption reports based upon at least individual patient information (see column 4, line 66 through column 5 line 5 where the report is a bill of materials).

6. As per claim 2, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the patient supply data comprises at least one of surgical device information, pharmaceutical information, and consumable material information (see column 4, lines 35 – 40).

7. As per claim 3, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the clinically related site comprises at least one of a hospital facility, a research facility and a government facility (see column 3, lines 2 – 5).

8. As per claim 4, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the data store comprises a patient supply record (see column 4, lines 30 – 50).

9. As per claim 6, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the consumption reports comprise a bill of resources consumed during the course of clinical treatment (see column 4, lines 30 – 50).

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10. As per claim 7, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the consumption reports comprise aggregate patient supply data rolled up from a plurality of individual patient information records (see column 5, lines 5 – 20 where a single bundle is used for multiple care events).

11. As per claim 8, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the data store comprises an output interface, the output interface communicating the patient supply data to other analytical engines (see figure 3).

12. As per claim 9, DeBusk teaches the system of claim 8 as described above. Debusk further teaches the system wherein the other analytical engines comprise at least one of a billing engine, a vendor engine and an ordering engine (see figure 3).

13. As per claim 10, DeBusk teaches the system of claim 1 as described above. Debusk further teaches the system wherein the patient supply data is captured at the clinically related site in at least substantially real time (see column 6, lines 1 – 25).

14. As per claim 11, DeBusk teaches a method for managing patient supply data, comprising:

- Receiving patient supply data captured from at least one clinically related site (see column 5, lines 6 – 21);
- Storing the patient supply data to a data store (see column 4, lines 50 – 65); and
- Generating consumption reports based upon at least individual patient information (see column 4, lines 66 through column 5, line 5 where the report is a bill of materials).

15. As per claim 12, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method wherein the patient supply data comprises at least one of surgical

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device information, pharmaceutical information, and consumable material information (see column 4, lines 35 – 40).

16. As per claim 13, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method wherein the clinically related site comprises at least one of a hospital facility, a research facility and a government facility (see column 3, lines 2 – 5).

17. As per claim 14, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method wherein the data store comprises a patient supply record (see column 4, lines 30 – 50).

18. As per claim 16, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method wherein the consumption reports comprise a bill of resources consumed during the course of clinical treatment (see column 4, lines 30 – 50).

19. As per claim 17, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method wherein the consumption reports comprise aggregate patient supply data rolled up from a plurality of individual patient information records (see column 5, lines 5 – 20 where a single bundle is used for multiple care events).

20. As per claim 18, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method comprising a step of communicating the patient supply data to other analytical engines (see figure 3).

21. As per claim 19, DeBusk teaches the method of claim 18 as described above. Debusk further teaches the method wherein the other analytical engines comprise at least one of a billing engine, a vendor engine and an ordering engine (see figure 3).

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22. As per claim 20, DeBusk teaches the method of claim 11 as described above. Debusk further teaches the method wherein the patient supply data is captured at the clinically related site in at least substantially real time (see column 6, lines 1 – 25).

23. As per claim 21, DeBusk teaches a patient supply record recording patient supply data, the patient supply record being generated according to a method of:

- Capturing patient supply data from a plurality of departments during a patient encounter (see column 5, lines 5 – 20 where a single bundle is used for multiple care events);
- Associating the patient supply data with at least corresponding individual patient records (see column 4, lines 30 – 50); and
- Storing the patient supply data to a data store (see column 4, lines 30 – 50).

24. As per claim 22, DeBusk teaches the patient supply record of claim 21 as described above. Debusk further teaches a patient supply record wherein the patient supply data comprises at least one of surgical device information, pharmaceutical information, and consumable material information (see column 4, lines 35 – 40).

25. As per claim 24, DeBusk teaches the patient supply record of claim 21 as described above. Debusk further teaches a patient supply record wherein the patient supply data is analyzed via a report engine to generate consumption reports (see column 5, lines 6 – 21).

26. As per claim 25, DeBusk teaches the patient supply record of claim 24 as described above. Debusk further teaches a patient supply record wherein the consumption reports comprise a bill of resources consumed during the course of clinical treatment (see column 4, line 66 through column 5, line 5).

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27. As per claim 26, DeBusk teaches the patient supply record of claim 24 as described above. Debusk further teaches a patient supply record wherein the consumption reports comprise aggregate patient supply data rolled up from a plurality of individual patient information records (see column 5, lines 5 – 20 where a single bundle is used for multiple care events).

28. As per claim 27, DeBusk teaches the patient supply record of claim 21 as described above. Debusk further teaches a patient supply record wherein the method further comprises a step of communicating the patient supply data to at least one of a billing engine, a vendor engine and an ordering engine (see column 5, lines 7 – 21).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. **Claims 5 and 15** are rejected under 35 U.S.C. 102(b) as being anticipated by DeBusk, U.S. Patent Number 5,682,728 (see reference A on the attached PTO-892) in view of Huang et al., U.S. Patent Number 6,151,582 (see reference B on the attached PTO-892).

31. As per claim 5, DeBusk teaches the system of claim 1 as described above.

DeBusk does not explicitly teaches the system wherein the report engine comprises a structured query language engine.

However, Huang teaches the system wherein the report engine comprises a structured query language engine (see column 102, lines 1 – 4).

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It would be prima facie obvious to one of ordinary skill in the art at the time of the invention to add this feature into DeBusk. One of ordinary skill in the art would have added this feature into DeBusk to provide a distributed and layered architecture that allows the reuse of processing resources and data in making diverse different view point decisions concerning a supply chain (see Huang column 1, lines 48 – 52).

32. As per claim 15, DeBusk teaches the method of claim 11 as described above.

DeBusk does not explicitly teach the method wherein the report engine comprises a structured query language engine.

However, Huang teaches the method wherein the report engine comprises a structured query language engine (see column 102, lines 1 – 4).

It would be prima facie obvious to one of ordinary skill in the art at the time of the invention to add this feature into DeBusk. One of ordinary skill in the art would have added this feature into DeBusk to provide a distributed and layered architecture that allows the reuse of processing resources and data in making diverse different view point decisions concerning a supply chain (see Huang column 1, lines 48 – 52).

33. **Claim 23** is rejected under 35 U.S.C. 102(b) as being anticipated by DeBusk, U.S. Patent Number 5,682,728 (see reference A on the attached PTO-892) in view of Shalmi et al., U.S. Pre-Grant Publication Number 2002/0188469 (see reference C on the attached PTO-892).

34. As per claim 23, DeBusk teaches the patient supply record of claim 21 as described above.

Debusk does not explicitly teach a patient supply record wherein the departments comprise at least two of a surgery, pharmacy, radiology, laboratory and emergency department.

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However, Shalmi teaches a patient supply record wherein the departments comprise at least two of a surgery, pharmacy, radiology, laboratory and emergency department (see paragraph 55).

It would be prima facie obvious to one of ordinary skill in the art at the time of the invention to add this feature into DeBusk. One of ordinary skill in the art would have added this feature into DeBusk to ensure that hospitals, pharmacies, clinics, doctors or other providers have sufficient on-hand availability of certain selected medicines (see Shalmi paragraph 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NRS

2/26/2007

Robert Morgan
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Patent Examiner
Art Unit 3626